December 7, 2001

The Honorable Steve Peace, Chair Joint Legislative Budget Committee State Capitol, Room 3060 Sacramento, CA 95814

Dear Senator Peace:

The Department of General Services (DGS) is submitting the Native American Graves Protection and Repatriation Act (NAGPRA) Report pursuant to the Supplemental Report for the 2001 Budget Act - Item 1760-001-0666, #2. This report identifies and describes the following items:

- authority
- background information on NAGPRA
- discussion and results of the survey of DGS-owned and leased properties
- supporting information

The DGS has surveyed 46 owned and 66 leased properties with respect to NAGPRA compliance. Two of the 46 owned properties were either informed by the DGS to comply with NAGPRA, or were already proceeding to complete compliance requirements under their own specified directive. The DGS serves as a landlord only in a tenant-landlord relationship and has no regulatory or oversight authority for its tenants or their programs. It is the sole responsibility of the tenant to comply with NAGPRA if applicable.

If you need further information, you may have your staff contact Dr. Susan Stratton, Sr. Environmental Planner, Real Estate Services Division, Department of General Services, at 323-6951.

Very truly yours,

Barry D. Keene, Director Department of General Services

BDK:RAS:nlw

Attachment

cc: See attached Supplemental Report List #1

Mike Courtney, Deputy Director, Real Estate Services Division, Department of General Services Deborah Hysen, Assistant Deputy Director, Real Estate Services Division,

Department of General Services

Jack Barr, Jr., Chief, Professional Services Branch, Real Estate Services Division, Department of General Services

Robert Sleppy, Chief, Environmental Services Section, Professional Services Branch, Real Estate Services Division, Department of General Services

Dr. Susan Stratton, Sr. Environmental Planner, Environmental Services Section, Professional Services Branch, Real Estate Services Division, Department of General Services

SUPPLEMENTAL REPORT LIST #1 LEGISLATIVE REPORT LISTING

ORIGINAL LETTER TO EACH OF THE FOLLOWING:

The Honorable Steve Peace, Chair Joint Legislative Budget Committee State Capitol, Room 3060 Sacramento, CA 95814 (1 original + 17 copies)

Mr. Bion Gregory Legislative Counsel 925 L Street, Suite 900, B-30 Sacramento, CA 95814 Attn: Ms. Diane Anderson (1 original)

Mr. E. Dotson Wilson Chief Clerk of the Assembly State Capitol, Room 3196, E-24 Sacramento, CA 95814 (1 original) The Honorable Steve Peace, Chair Senate Budget & Fiscal Review Committee State Capitol, Room 5019 Sacramento, CA 95814 (1 original)

Ms. Elizabeth G. Hill Legislative Analyst 925 L Street, Suite 1000, B-29 Sacramento, CA 95814 (1 original)

Mr. Gregory Palmer Schmidt Secretary of the Senate State Capitol, Room 400, E-22 Sacramento, CA 95814 (1 original)

COPY OF JLBC LETTER TO EACH OF THE FOLLOWING:

The Honorable Tony Cardenas, Vice Chair Joint Legislative Budget Committee State Capitol, Room 6026 Sacramento, CA 95814 (1 copy)

The Honorable Jim Battin, Vice Chair Senate Appropriations Committee State Capitol, Room 3076 Sacramento, CA 95814 (1 copy)

The Honorable Patricia Bates, Vice Chair Assembly Appropriations Committee State Capitol, Room 6031 Sacramento, CA 95814 (1 copy)

The Honorable Dick Ackerman, Vice Chair Senate Budget & Fiscal Review Committee State Capitol, Room 4066 Sacramento, CA 95814 (1 copy)

The Honorable John Campbell, Vice Chair Assembly Budget Committee State Capitol, Room 2174 Sacramento, CA 95814 (1 copy)

Michael J. Gotch, Legislative Secretary Office of the Governor State Capitol, First Floor, E-15 Sacramento, CA 95814 (1 copy) Happy Chastain, Deputy Secretary-Legislation State and Consumer Services Agency 915 Capitol Mall, Room 200, C-14 Sacramento, CA 95814 (1 copy)

S. Calvin Smith, Program Budget Manager Department of Finance 915 L Street, A-15 Sacramento, CA 95814 (1 copy)

Karen L. Neuwald, Assistant Director-Legislation Department of General Services 1325 J Street, Suite 1910, C-1 Sacramento, CA 95814 (1 copy)

Cec Wallin, Budget and Planning Officer Office of Fiscal Services 1325 J Street, Suite 1600, C-18 Sacramento, CA 95814 (1 copy)

California State Library Government Publications Section 914 Capitol Mall, E-29 Sacramento, CA 95814 (2 copies)

Office of Legislative Counsel Attention: Indexing Division 925 L Street, Suite 1150, B-30 Sacramento, CA 95814 (1 copy)

Originating Office

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION **ACT COMPLIANCE REPORT Department Of General Services Real Estate Services Division November 1, 2001**

TABLE OF CONTENTS

Section	<u>on</u>	Page
I.	AUTHORITY	1
II.	BACKGROUND	2
III.	DISCUSSION AND RESULTS	4
	APPENDIX AAPPENDIX B	

I. AUTHORITY

Supplemental Report of the 2001 Budget Act – Item 1760-001-0666, #2

Native American Graves Protection and Repatriation Act. It is the intent of the Legislature that the Department of General Services (DGS) comply with all terms of the Native American Grave Protection and Repatriation Act (NAGPRA). It is the intent of the Legislature, therefore, that the DGS report by November 1, 2001, on the extent to which its museums, galleries, and other programs that contain Native American artifacts have complied with NAGPRA. As part of the November 1, 2001, report, the DGS shall provide the Legislature with a copy of all inventories that have been submitted to the federal government in compliance with NAGPRA.

II. BACKGROUND (Taken from National Park Service Center for Cultural Resources W48(436) Memorandum and CFR Title 43, Vol. 1, Part 10):

Congress enacted Public Law 101-601 on November 16, 1990, the Native American Graves Protection and Repatriation Act (NAGPRA, 25 U.S.C. §§ 3001-3013; 104 Stat. 3048-3058), to provide for the protection of Native American graves, ... and for other purposes. These regulations develop a systematic process for determining the rights of lineal descendants and Indian tribes and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony (definitions provided in Appendix A) with which they are affiliated. These regulations also pertain to the identification and appropriate disposition of human remains, funerary objects, sacred objects, or objects of cultural patrimony that are:

- 1. In Federal possession or control; or
- 2. In the possession or control of any institution or state or local government receiving Federal funds; or
- 3. Excavated intentionally or discovered inadvertently on Federal or tribal lands.

These regulations apply to human remains, funerary objects, sacred objects, or objects of cultural patrimony which are indigenous to Alaska, Hawaii, and the continental United States, but not to territories of the United States. NAGPRA requires museums and Federal agencies to:

- 1. Document certain Native American human remains and cultural items within their collections:
- 2. Notify all Indian Tribes and Native Hawaiian organizations that are or are likely to be affiliated with these holdings; and
- 3. Provide an opportunity for the repatriation of appropriate human remains or cultural items.

Federal agencies are responsible for ensuring that the requirements are met for all collections from their lands, whether the collections are held by the Federal agency or by a non-Federal institution. Two types of documentation for such collections are required under sections 5 (Inventories) and 6 (Summaries) of the Act.

<u>Inventory</u>: Section 5 of the Act stipulates that each museum or Federal agency having possession or control over holdings or collections of human remains and associated funerary objects must compile an inventory of such objects, and, to the fullest extent possible based on information possessed by the museum or Federal agency, must identify the geographical and cultural affiliation of each item. The purpose of the inventory is to facilitate repatriation by providing clear descriptions of human remains and associated funerary objects and establishing

the cultural affiliation between these objects and present-day Indian tribes and Native Hawaiian organizations.

<u>Summary</u>: Section 6 of the Act stipulates that each museum or Federal agency having possession or control over collections which may contain unassociated funerary objects, sacred objects, or objects of cultural patrimony must complete a summary of these collections based upon available information held by the museum or Federal agency. The purpose of the summary is to provide information about the collections to lineal descendants and culturally affiliated Indian tribes or Native Hawaiian organizations that may wish to request repatriation of such objects. The summary serves in lieu of an object-by-object inventory of these collections.

III. DISCUSSION AND RESULTS

The supplemental language directs that the DGS determine, "...the extent to which its museums, galleries, and other programs that contain Native American artifacts have complied with NAGPRA." While the DGS does not have a program responsibility for such facilities, a list of DGS-owned and leased properties was prepared (Appendix B) to enable staff to survey building occupants. This list serves as the basis for the DGS inventory and preparation of this report and is comprised of 46 DGS-owned properties and 66 DGS-leased properties. The list does not include properties that the DGS may be responsible for leasing if the facility is under the control and use of a client agency such as Employment Development Department or Department of Health Services. The DGS' Building and Property Management Branch (BPMB) surveyed the occupants of all properties in the inventory to ascertain the likelihood of Native American collections being present on the property.

DGS-Owned Properties

The survey concluded that two of the 46 DGS-owned properties possessed Native American cultural items that may come under the jurisdiction of NAGPRA. Those two properties were the California State Archives located in the Secretary of State building at 1500 11th Street, Sacramento, and the California State Library located in the Library and Courts building at 914 Capitol Mall, Sacramento.

Dr. Blaine Lamb of the California State Archives indicated they were working under their own legislative directive to ensure compliance with NAGPRA. Dr. Lamb stated the California State Archives possessed one Native American basket for which provenance was known and which appeared not to fall under the jurisdiction of NAGPRA as well as European-made trade beads. Dr. Lamb will be submitting any necessary documentation on behalf of the State Archives directly to the federal government.

Mr. Gary Kurutz was contacted at the California State Library located within the Library and Courts building. Mr. Kurutz indicated the library possessed four Native American baskets that were acquired in the 1920s from a private collection donation. The provenance of the baskets is unknown. Based upon discussions with Mr. Larry Myers of the Native American Heritage Commission, it was suggested to Mr. Kurutz that a NAGPRA summary report be prepared. On follow-up, Mr. Kurutz indicated that he was working with California State Parks and Recreation personnel to either complete the necessary paperwork or to transfer ownership of the baskets to California State Parks and Recreation who would, in turn, ensure NAGPRA compliance.

The Role of DGS Property Management

The DGS is the state agency responsible for maintaining state buildings and for leasing properties for statewide programs. However, the DGS is not responsible for the contents of any office or storage unit, or for a tenant's potential possession of materials subject to this federal statute. Although the BPMB made an effort to survey for museums and galleries, tenants within the surveyed facilities may have collections of materials that were not on display. It is the sole responsibility of the tenant to comply with NAGPRA. Such a survey would require a substantial effort and potentially require an inspection of the personal contents of desks, filing cabinets, and other storage areas. We believe such an effort was beyond the intent of the supplemental language.

Summary

In summary, only two minor collections of subject materials were found as a result of this survey. In both situations, the persons responsible for those materials are in the process of complying with the provisions of NAGPRA.

IV. APPENDIX A

[104 Stat. 3048 Public Law 101-601—November 16, 1990]

DEFINITIONS (Section 2 of NAGPRA):

- "Burial Site" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.
- "Cultural Affiliation" means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.
- "Cultural Items" means human remains and
 - "Associated Funerary Objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonable believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.
 - "Unassociated Funerary Objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial sties of an individual culturally affiliated with a particular Indian tribe,
 - "Sacred Objects" which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents, and
 - "Cultural Patrimony" which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

Agency/Tenant	Property Address	Contact Person	Phone Number	Inventory Status	
Building Name				Submitted	Not Applicable (N/A)
DGS-OWNED PROPERTY					,
8th and Q Garage	800 Q Street, Sacramento	Gabe Andrade	916-654-3693		n/a
Attorney General/Child Care	1235 H Street, Sacramento	Annette Salazar	916-445-6789		n/a
Bateson Building	1600 9th Street, Sacramento	Gabe Andrade	916-654-3693		n/a
Blue Anchor Building	1400 10th Street, Sacramento	Linda McMullen	916-657-3606		n/a
Board of Equalization	450 N Street, Sacramento	Dave Bulmer	916-446-9505		n/a
Bonderson Building	901 P Street, Sacramento	Marcell Lewis	916-654-0680		n/a
CADA Building	1304 O Street, Sacramento	Linda Hill	916-324-1294		n/a
California Tower	3737 Main Street, Riverside	Cadie Marotta	909-715-0130		n/a
CALNET	1115 P Street, Sacramento	Marcell Lewis	916-654-0680		n/a
Department of Food & Agriculture	1220 N Street, Sacramento	Linda Tanner Hill	916-324-1294		n/a
Department of Justice	4949 Broadway, Sacramento	Al Guerrero	916-227-6949		n/a
Department of Water Resources	3374 Shields Avenue, Fresno	Gary Alisio	559-445-5084		n/a
Education Building	721 Captiol Mall, Sacramento	Jeannine Windt	916-654-8879		n/a
Elihu Harris Building	1515 Clay Street, Oakland	Lee Ratcliff	510-622-2564		n/a
Employment Development	800 Capitol Mall, Sacramento	Deborah Vaughn	916-654-8322		n/a
Employment Development/Solar Building	751 N Street, Sacramento	Deborah Vaughn	916-654-8322		n/a
Energy Commission	1416 9th Street, Sacramento	Marcell Lewis	916-654-0680		n/a
Franchise Tax Board	9645 Butterfield Way, Sacramento	Charlene Yount	916-227-5022		n/a
Fresno State Building	2550 Mariposa Mall, Fresno	Gary Alisio	559-445-5084		n/a
Jesse Unruh Building	915 Capitol Mall, Sacramento	Linda McMullen	916-657-3606		n/a
Junipero Serra Building	320 West 4th Street, Los Angeles	Sharion Jenkins	213-897-3244		n/a
Legislative Office Building & Annex	1020 N Street, Sacramento	Viletta Campbell	916-445-2605		n/a
Library & Courts	900 N Street, Sacramento	Linda McMullen	916-657-3606		n/a
Library and Courts Building	914 Capitol Mall, Sacramento	Linda McMullen	916-657-3606		**
Mission Valley	7575 Metropolitan Drive, San Diego	Greg Simmons	619-688-0200		n/a
Office Building #8	714 P Street, Sacramento	Terry Counts	916-654-6271		n/a
Office Building #9	744 P Street, Sacramento	Terry Counts	916-654-6271		n/a
Office of the Attorney General	1300 I Street, Sacramento	Annette Salazar	916-445-6789		n/a
Public Utilities Commission	505 Van Ness Avenue, San Francisco	Frank Arteaga	415-703-2936		n/a
Red Bluff State Building	2440 Main Street, Red Bluff	John Molitoris	530-225-2175		n/a
Redding State Building	2135 Akard Avenue, Redding	John Molitoris	530-225-2175		n/a
Resources Building	1416 9th Street, Sacramento	Greek Harvey	916-654-0680		n/a
Ronald Reagan State Building	300 South Spring Street, Los Angeles	Nan Clancy	213-897-2241		n/a
San Diego State Building	464 West 4th Street, San Diego	John Evans	619-525-4487		n/a

Building Name Property Address Contact Person Phone Number (N/A) San Francisco Civic Center McCallister & GG Avenue, San Francisco 100 Paseo De San Antonio, San Jose State Building 28 Civic Center Plaza, Santa Ana Building 28 Civic Center Plaza, Santa Ana Building 28 Civic Center Plaza, Santa Ana Building 30 D Street, Sacramento 50 D Street, Sacramento 5100 11th Street, Sacramento 5101 11th and Capitol Mall, Sacramento 5104 10th Street, Sacramento 5104 10th State Capitol 11th and Capitol Mall, Sacramento 5104 10th Street, Sacramento 5104 10th State Personnel Board 60 Capitol Mall, Sacramento 5104 Capitol Mall, Sacramento 5104 Event 5104 Cebrian Street, West Sacramento 5105 Cebrian Street, West Sacramento 6159 Van Nuys State Building 6159 Van Nuys Boulevard, Van Nuys 5104 Building 6159 Van Sacramento 6159 Van Sacra	Agency/Tenant		Ocatast Bassas	Diagonal Newsborn	La carataga Otataga	
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DGS Division of Telecommunications 365 Victor Street, Salinas Building Personnel 530-533-4360 n/a						
	DGS Division of Telecommunications	14 Spreckels Lane, Salinas	<u> </u>	530-533-4360		n/a

Agency/Tenant				Inventory Status	
Building Name	Property Address	Contact Person	Phone Number	Submitted	Not Applicable
Building Name	1 Topolty Addiess	Oontact i cison	1 Hone Number	Odbillitted	(N/A)
DGS Division of Telecommunications	11860 Kemper Road, Auburn	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	150 North Mill Road, Quincy	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	14331 Frederick Street, Moreno Valley	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	Black Rock Mountain, Susanville	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	77-799 Jackal Drive, Palm Desert	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	601 Sequoia Pacific Blvd., Sacramento	Building Personnel	916-657-9903		n/a
DGS Division of Telecommunications	630 Sequoia Pacific Blvd., Sacramento	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	4620 Northgate Boulevard, Sacramento	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	325 North 5th Street, Sacramento	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	1260 East Locust, Ontario	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	1609 South Grove Avenue, Ontario	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	15400 Tamarack Drive, Victorville	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	356 State Place, Escondido	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	934 San Andreasen Drive, Escondido	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	3008 East Hammer Lane, Stockton	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	812 Fiero Lane, San Luis Obispo	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	473 Sapena Street, Santa Clara	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	20272 Skypark Drive, Redding	Building Personnel	530-225-2825		n/a
DGS Division of Telecommunications	1200 Western Street, Fairfield	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	5468 Skylane Boulevard, Santa Rosa	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	4601 Telephone Road, Ventura	Building Personnel	530-533-4360		n/a
DGS Division of Telecommunications	7638 North Ingram Avenue, Fresno	Building Personnel	530-533-4360		n/a
DGS Division of the State Architect	1225 R Street, Sacramento	Pat Riggins	916-323-5889		n/a
DGS Division of the State Architect	1130 K Street, Sacramento	Building Personnel	916-445-8100		n/a
DGS Energy Management Division	717 K Street Mall, Sacramento	Building Personnel	916-323-8777		n/a
DGS Fleet Services	401 27th Street, Oakland	Building Personnel	510-286-0901		n/a
DGS Fleet Services	20th-21st and W-X Streets, Sacramento	Building Personnel	916-327-1884		n/a
DGS Fleet Services	435 Orange Show Lane, San Bernardino	Building Personnel	909-383-4245		n/a
DGS Fleet Services	5878 Autoport Mall, San Diego	Building Personnel	858-642-5742		n/a
DGS Fleet Services	550 Turk Street, San Francisco	Building Personnel	415-557-3604		n/a
DGS Materials Management	701 Burning Tree Road, Fullerton	Ed McKendry	714-449-5891		n/a
DGS Materials Management	1700 West National Drive, Sacramento	Mary Smith	916-928-5800		n/a
DGS Office and Shop Building	3651 Business Drive, Sacramento	Building Personnel	916-928-4630		n/a
DGS Office of Administrative Hearings	560 J Street, Sacramento	Andrea Pritchard	916-445-4926		n/a
DGS Office of Machine Repair	2471 East Orangethorpe Avenue, Fullerton	P. Vanden Bosch	916-449-5951		n/a

Appendix B NATIVE AMERICAN GRAVE PROTECTION AND REPATRIATION ACT (NAGPRA)

Agency/Tenant				Inventory Status	
Building Name	Property Address	Contact Person	Phone Number	Submitted	Not Applicable (N/A)
DGS Office of Public School Construction	1130 K Street, Sacramento	Building Personnel	916-445-3160		n/a
DGS Office of Technology Resources	2750 Gateway Oaks, Sacramento	Building Personnel	916-263-5550		n/a
DGS Procurement	1808 14th Street, Sacramento	Building Personnel	916-445-2500		n/a
DGS Procurement	1500 5th Street, Sacramento	Bobbi Harris	916-322-4153		n/a
DGS Procurement	1823 14th Street, Sacramento	Building Personnel	916-445-2500		n/a
DGS Procurement	1414 S Street, Sacramento	Building Personnel	916-657-7898		n/a
DGS Real Estate Services Division	1102 Q Street, Sacramento	Building Personnel	916-324-0214		n/a
DGS Small Business Certification & Resources	1531 I Street, Sacramento	Building Personnel	916-322-1847		n/a
DGS State Records Program	3240 Industrial Blvd., West Sacramento	Building Personnel	916-375-6760		n/a
DGS/Shop Building	475 Arrowhead Avenue, San Bernardino	Building Personnel	909-383-4245		n/a
DGS/Warehouse	712 R Street, Sacramento	Building Personnel	916-323-5889		n/a
DGS/Warehouse	600-B North 5th Street, Sacramento	Building Personnel	916-322-8705		n/a
DGS/Warehouse	733 Buckley Road, San Luis Obispo	Building Personnel	805-461-0416		n/a